



NPDES/ND Permit Reissuance Applications BUREAU OF WATER (803) 898-4300

BE ON TIME!

When complete NPDES/ND reissuance applications are received in a timely manner (180 or more days before the expiration date of the permit), your existing permit remains in effect until a final decision is made on the reissuance of your permit. This allows your existing permit to continue past the expiration date even if the Department does not reissue your permit before it expires. Note: This issue is addressed in Sections 122.6 and 122.21(d) of Regulation 61-9.

As a courtesy, the Department notifies you (270 days prior to the expiration date of your permit) of the exact date by which you must reapply for your NPDES/ND permit to be timely in accordance with the NPDES/ND permit regulations. Please make a note of the date in your notice letter and **BE ON TIME**.

A second notice is sent to applicants who do not apply 30 days before the application due date. If you receive a second notice letter, you are in real danger of being late! When reissuance applications are late, discharges can only legally continue if the Department reissues your permit with an effective date before your present permit expires. If this is not done, your discharge cannot legally continue unless allowed by an enforcement order.

BE COMPLETE!

Submission of an incomplete application 180 days or more before your permit expiration date **does not** satisfy the requirement that reapplication for your NPDES/ND permit be made on or before 180 days of your permit's expiration date. Incomplete applications are just like not making a reapplication. For these situations, your permit will not continue in effect past the expiration date if the Department does not reissue your permit before the your present permit expires.

Check to make sure all of the required information is provided with your reissue application. This includes the proper application form with any sampling data required, Form 1 (industrial facilities only), the sludge supplement, and the location supplement. If you include this information properly signed and dated, your application will **BE COMPLETE**.

BE PAID UP!

Regulation 61-30, entitled Environmental Protection Fees, allows the Department to deny reissuance of your permit when you have outstanding fees owed to the Department. Please ensure your fees in every program area (Air, Water Supply, Water Pollution Control, Solid and Hazardous Waste) are all paid. Your NPDES/ND permit reissuance will not be held up due to outstanding fees if you are **PAID UP**.

See back of page for reprints of the applicable sections of the NPDES & Fee regulations.

The following are excerpts from Regulation 61-9 (Water Pollution Control Permits) and Regulation 61-30 (Environmental Protection Fees) that are applicable to reapplication for NPDES/ND permits.

61-9.122.6 Continuation of expiring permits.

(a) The conditions of an expired permit continue in force under S.C. Code ' 1-23-370(b) until the effective date of a new permit (see R.61-9.124.15) if:

(1) The permittee has submitted a timely application under ' 122.21 which is a complete (under ' 122.21(e)) application for a new permit; and

(2) The Department, through no fault of the permittee does not issue a new permit with an effective date under R.61-9.124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints); or

(3) The permittee has submitted a timely application under ' 122.21 which is a complete application for a new permit and makes a timely appeal of the new permit.

(b) Effect. Permits continued under this section remain fully effective and enforceable.

(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Department may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under ' 124.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under R.61-9.124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

61-9.122.21(d). Duty to reapply.

(1) Any POTW with a current effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit).

(2) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that the Department may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.

61-30.C Payment of Fees

(4) Construction permits or modifications, revision, or reissuance of an operating permit will not be issued for a facility that is in default of fees due under this regulation.